

Amendments to the Drawings:

Please replace sheet 4/7 of the drawings with the attached replacement sheet 4/7. The replacement sheet includes reference number 70, as required by the Examiner, and also includes all of the figures that appeared on the immediately prior version of the sheet.

Attachment: One (1) Replacement Sheet

REMARKS

The Office action mailed November 21, 2006, can be summarized as follows:

- The drawings, the specification, and claims 13, 16, and 23 were objected to for various informalities;
- Claims 4-12 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter;
- Claims 4-12 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention;
- Claims 1-5, 8-13, and 15-22 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application No. 2001/0008849 to Komata ("Komata");
- Claims 1-14 and 20-26 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2003/0190961 to Seidman ("Seidman");
- Claims 15-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Seidman in view of U.S. Patent No. 7,003,598 to Kavanaugh ("Kavanaugh").

Applicant has amended claims 1, 3, and 6 to address the various objections and rejections. Applicant has also added new claims 27-29, which are fully supported in the specification as originally filed. Please reconsider the application in view of the above amendments and the following remarks.

Objection to the Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include reference number 70 mentioned on page 16, line 3 of the specification. Applicant

has amended sheet 4/7 with the attached replacement sheet 4/7, to include reference number 70 in Fig. 7. Applicant thus requests withdrawal of the objection to the drawings.

Objection to the Specification

The specification is objected to for including the word “means” in line 3 of the abstract. Applicant has amended the paragraph beginning at page 30, line 2, (i.e. the abstract) to delete the word “means.” Applicant thus requests withdrawal of the objection to the specification.

Claim Objections

Claims 13, 16, and 23 are objected to because of various informalities. However, applicant has canceled claims 13, 16, and 23, and the objection is therefore moot. Applicant thus requests withdrawal of the objection to the claims.

Claim Rejections – 35 U.S.C. § 101

Claims 4-12 is rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter because they were directed to an improvement. By this amendment, Applicant cancels claims 4-5 and 7-12, and amends claim 6 to recite a system depending from claim 1. Therefore, the rejection of claim 6 under 35 U.S.C. § 101 should be withdrawn.

Claim Rejections – 35 U.S.C. § 112, Second Paragraph

Claims 4-12 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As indicated above, Applicant cancels claims 4-5 and 7-12, and amends claim 6 to recite a system depending from claim 1. Claim 6 is therefore no longer indefinite, and the rejection of claim 6 under 35 U.S.C. § 112 should be withdrawn.

Claim Rejections – 35 U.S.C. § 102

Claims 1-5, 8-13, and 15-22 are rejected under 35 U.S.C. § 102(b) as being anticipated by Komata. Claims 1-14 and 20-26 are rejected under 35 U.S.C. § 102(e) as being anticipated by Seidman. Applicant cancels claims 2, 4-5, 8-13 and 15-22, and amends independent claim 1 to include features not previously recited in the claims. Claim 3 depends from claim 1, and claim 6 is amended to depend from claim 1.

Claims 1, 3, and 6

Amended claim 1 recites an interactive DVD gaming system comprising:

a DVD and a **controller** for use with a DVD player, the DVD player being configured to accept game input from the **controller** and to hold one or more game variables, each game variable having a value;

wherein the **controller includes:**

a communication subsystem configured to provide user-provided game input to the DVD player;

a first user-operated control operatively coupled to the communication subsystem and having a first button, wherein actuation of the first button causes the communication subsystem to provide a first game input; and

a second user-operated control operatively coupled to the communication subsystem and having a second button, wherein actuation of the second button causes the communication subsystem to provide a second game input distinct from the first game input; and

wherein the DVD includes data readable by the DVD player; said data including at least one sequence of audiovisual content and one or more game scripts operable to:

define a game variable;

associate a value with a game variable defined; **and**

change a value of the game variable as a function of game input accepted from **the controller** and the value of the game variable.

Applicant thus amends claim 1 to include features not previously recited in the claims. Support for the amendment can be found in Fig. 4, and on page 9, line 17 to page 11, line 11 of the specification.

Original claim 1 is rejected under 35 U.S.C. § 102 as being anticipated by both Komata and Seidman. Komata discloses a gaming system including user-operated controls 200 connected to a DVD player 500. Seidman discloses a method and system for advertising with a DVD. The Seidman system includes a DVD 106 for use with a DVD player 162 that receives input from a remote control 110. However, neither Komata nor Seidman disclose a controller that includes a communication subsystem, and plural user-operated controls operatively coupled to the communication subsystem, and thus do not disclose each and every element recited of amended claim 1. Therefore, for at least this reason, the rejections of claim 1 under 35 U.S.C. § 102 should be withdrawn.

Claims 3 and 6 depend from claim 1, and thus are patentable for at least the same reasons as claim 1. Therefore, the rejections of claims 3 and 6 under 35 U.S.C. § 102 should also be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 15-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Seidman in view of Kavanaugh. Applicant cancels claims 15-19, so the rejection is moot.

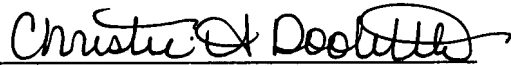
New Claims

By this amendment, applicant adds new claims 27-29. Support for claims 27-28 can be found in Fig. 7 and on page 17, line 14 to page 18, line 4 of the specification. Support for claim 29 can be found in Fig. 4, and on page 9, line 17 to page 10, line 19 of the specification. Claims 27-29 depend from claim 1, and thus are patentable over the cited art for at least the same reasons as claim 1. Therefore, Applicant respectfully requests allowance of new claims 27-29.

Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

CERTIFICATE OF MAILING

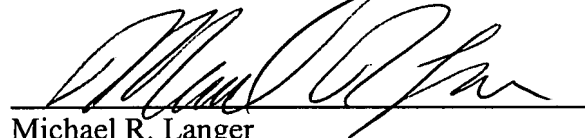
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on May 21, 2007.



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Respectfully submitted,

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